

**DECLARATION, POWER OF ATTORNEY AND PETITION**

I, Keith R. Anderson, declare: that I am a citizen of the United States of America; that my residence and post office address is 560 North 75 West, Springville, Utah 84663; that I verily believe I am the original, first, and sole inventor of the subject matter of the invention or discovery entitled PACKET PRIORITIZATION PROTOCOL FOR A LARGE-SCALE, HIGH-SPEED COMPUTER NETWORK, for which a patent is sought and which is described and claimed in the specification attached hereto; that I have reviewed and understand the contents of the above-identified specification, including the claims; and that I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Section 1.56 of Title 37 of the Code of Federal Regulations.

I hereby claim the benefit under Section 120 of Title 35 of the United States Code of the earlier filed pending application, Serial No. 09/500,721, filed February 9, 2000; and, insofar as the subject matter of each of the claims of this application is not disclosed in the earlier filed pending application in the manner provided by the first paragraph of Section 112 of Title 35 of the United States Code, I acknowledge the duty to disclose material information, as defined in Section 1.56(a) of Title 37 of the Code of Federal Regulations, which occurred between the filing date of the earlier filed application and the filing date of this application.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys A. John Pate, Gary D.E. Pierce and Hal D. Baird, Registration Nos. 36,234, 38,019 and 42,284, respectively, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

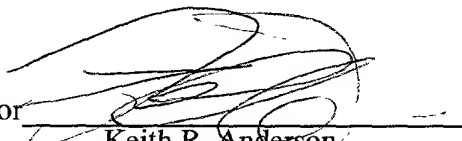
All correspondence and telephonic communications should be directed to:

A. John Pate  
PATE PIERCE & BAIRD  
Bank One Tower  
50 West Broadway, Suite 900  
Salt Lake City, Utah 84101

Wherefore, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at Open, Utah, this 12<sup>th</sup> day of  
December, 2000.  
(City) (State)

Inventor

  
Keith R. Anderson  
560 North 75 West  
Springville, Utah 84663

**DECLARATION CLAIMING SMALL ENTITY STATUS  
FOR A SMALL BUSINESS CONCERN**

I, Fondo Fehlberg, hereby declare: that I am Executive Vice President of SwitchPoint Networks, Inc. a corporation of the State of Delaware and having a principal place of business at 1875 South State Street, Suite 1110, Orem, Utah 84097; that I am empowered to act on behalf of SwitchPoint Networks, Inc.; and that SwitchPoint Networks, Inc. qualifies as a small business concern as defined in 13 C.F.R. Part 121 for purposes of paying reduced fees to the Patent and Trademark Office with regard to the invention entitled PACKET PRIORITIZATION PROTOCOL FOR A LARGE-SCALE, HIGH-SPEED COMPUTER NETWORK, as described in the patent application filed concurrently herewith. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.

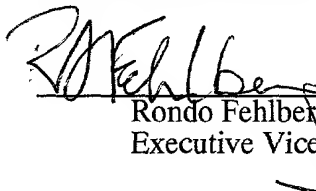
I further declare that all rights, title, and interest relating to the invention entitled PACKET PRIORITIZATION PROTOCOL FOR A LARGE-SCALE, HIGH-SPEED COMPUTER NETWORK invented by Keith R. Anderson, as described in the patent application filed concurrently herewith, have been conveyed to and currently remain with SwitchPoint Networks, Inc.

I acknowledge the duty to file, in the above-mentioned application or any patent issued in respect thereof, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of (1) the issue fee or (2) any maintenance fee due after the date on which status as a small entity is no longer appropriate. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signed at Orem, Utah, this 12<sup>th</sup> day of

December, 2000.

SwitchPoint Networks, Inc.

  
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Rondo Fehlberg  
Executive Vice President